

June 30, 2006

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15
The Allen Broadcasting Corp. (FRN0003745536)
Station KBFD, Honolulu, Hawaii (Facility ID No. 65395)
Request for Waiver of July 1, 2006 Replication Deadline

Dear Ms. Dortch:

This letter is submitted on behalf of The Allen Broadcasting Corp. ("Allen"), licensee of KBFD, Channel 32, and permittee of KBFD-DT, Channel 33, in Honolulu, Hawaii, pursuant to the procedures established in the Commission's June 14, 2006, *Public Notice*, DA 06-1255. By this letter, Allen requests a waiver of the July 1, 2006 "use-it-or-lose-it" replication deadline ("Replication Deadline") established in the Commission's September 7, 2004 *Report and Order* in MB Docket No. 03-15.¹ Allen requests a waiver of the use-it-or-lose-it deadline for six months (consistent with the duration of a waiver set forth in the *Report and Order* (para. 87) and the *Public Notice* (pages 1-2)).

DISCUSSION

KBFD-DT was assigned channel 33 in the Table of Allotments established by the Commission in Section 73.622(b) of its rules, 47 C.F.R. § 73.622(b). Pursuant to a construction permit granted August 16, 2001, Allen was authorized to operate KBFD-DT on Channel 33 with a maximum effective radiated power ("ERP") of 108 kw at an antenna height above average terrain ("HAAT") of negative 5 meters.² Pursuant to a grant of special temporary authority ("STA") subsequently renewed several times, the Commission authorized KBFD-DT to provide

¹ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, FCC 04-192, 19 FCC Rcd 18279 (2004) ("Report and Order").

² See CDBS File No. BPCDT-19991029AIJ. By public notice issued June 23, 2005, DA 05-1743, the Media Bureau announced that KBFD-DT tentatively was granted Channel 33 as its permanent digital channel.

Marlene H. Dortch, Secretary
June 30, 2006
Page 2

digital service at reduced power. The initial STA was granted November 6, 2003.³ The most recent STA grant was issued, March 31, 2006, with an expiration date of July 1, 2006, which coincides with the Replication Deadline.⁴ By separate filing, Allen submitted a request to renew for an additional six months the STA that Allen currently holds to operate KBFD-DT at reduced power.

Allen requests a waiver of the July 1, 2006 deadline by which station licensees outside the top 100 markets that received their current digital channel in the digital channel election process must construct full, authorized facilities in order to retain interference. By way of background, because KBFD-DT's digital channel is adjacent to KBFD's analog channel, Allen uses the same Bogner antenna for both analog and digital service. This antenna is nearly 20 years old, and the manufacturer no longer is in business. Implementing full power operation for both the analog and digital operations has been very difficult.

On September 2, 2005, Allen notified the Commission that the analog facilities for KBFD-TV, Honolulu, Hawaii had not been operating since Saturday August 27, 2005. The discontinuance of analog operations was the result of a faulty upconverter module and driver tube. The faulty upconverter was replaced on September 26, 2005 and the station was able to resume operations with 50 watts of power. On September 27, 2005, Allen filed a request for STA to operate the analog facility at low power; and the FCC granted the STA for a period expiring May 4, 2006. Allen brought the KBFD analog facilities back to full power on April 18, 2006, but the transmitter power supply failed on April 25, 2006. On May 3, 2006, Allen requested authorization to allow the analog facilities to remain off the air until replacement parts could be found and installed. On May 8, 2006, the analog facility returned to air at reduced power. Although Allen has been working diligently to resume full power operations, local engineers have not been able to determine why the transmitter is not putting out full power when all measurements seem normal. The company that purchased Bogner was not able for a long time either to locate KBFD's records or to identify an engineer experienced with the antenna. The station finally has identified a qualified engineer on the mainland to work on the antenna and hopes his schedule will permit travel to Hawaii in the next three months. During this time, Allen has continued and will continue its low power DTV operations.

Once it was determined that an antenna modification was feasible that would allow both the digital and analog operations to be brought to full power, Allen approved the antenna modification and a power upgrade for the Harris DTV transmitter. Delivery and installation is

³ See CDBS File No. BDSTA-20031017AEY.

⁴ See CDBS File No. BEDSTA-20051222AFQ.

Marlene H. Dortch, Secretary

June 30, 2006

Page 3

anticipated to be completed within six months. Upon completion, the KBFD-DT signal is expected to serve an area equal to or larger than a replication facility.

The grant of the requested extension of time will allow KBFD-DT to maintain interference protection. Allen submits that the public interest will be served by grant of the requested waiver.

Please contact Allen's undersigned attorneys if you have any questions.

Sincerely,

/s/

Kenneth E. Satten
Timothy J. Cooney

cc: Shaun Maher, via email